

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8  
1595 Wynkoop Street; Denver, CO 80202-1129**

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

**Action:** EPA is providing notice of a proposed administrative penalty assessment and the opportunity to comment on the proposed assessment (complaint) for alleged violations of the Clean Water Act.

**Summary:** The Burke Oil Company Inc.- Chamberlain Bulk Plant Class I civil administrative penalty proceeding has been consolidated with the Burke Oil Company Inc.- Presho Oil Company Class II civil administrative penalty proceeding, therefore the penalty for the Class I proceeding must be public noticed. The Presho Oil Company Class II civil administrative penalty proceeding was public noticed in October 2007. EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the CWA and implementing regulations, after providing the person subject to the penalty notice and opportunity for a hearing, and after providing the public with notice of the proposed penalty, opportunity to submit written comments and to participate in a Class II penalty proceeding, if any. The deadline for submitting public comment is thirty days after issuance of this notice.

On September 27, 2007, EPA commenced a civil administrative action by filing a complaint against the Respondent identified below, alleging a violation of the CWA and its regulations. Pursuant to Section 311(b)(6)(C) of the CWA, EPA hereby notifies the public of this proposed penalty assessment:

In the matter of:     Burke Oil Company Inc.  
                              Chamberlain Bulk Plant  
                              1200 East King Street  
                              Chamberlain, SD 57325

EPA Docket Number: CWA-08-2007-0026  
Proposed penalty in the Complaint: \$19,273.00

Alleged violations: Failure to prepare and implement a Spill Prevention Control and Countermeasure Plan in accordance with 40 C.F.R. §§ 112.7 and 112.8 as required by 40 C.F.R. § 112.3, regulations issued under Section 311(j) of the CWA.

Submit written comments to:     Tina Artemis  
  Regional Hearing Clerk (8RC);  
  EPA Region 8  
  1595 Wynkoop Street  
  Denver, CO 80202-1129  
Telephone:     (303) 312-6765.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of the Consolidated Rules, the Complaint, or other documents in this proceeding, or to comment upon the proposed penalty assessment, or any other aspect of the matter, should contact the Regional Hearing Clerk identified above. The administrative record for the proceeding is located in the EPA Region 8 Hearing Clerk Office identified above and the file will be open for public inspection during normal business hours. No action will be taken by EPA to finalize a settlement in this matter until 30 days after this public notice.